

Notice of Allowability

Application No.

10/643,377

Examiner

Robert J. Popovics

Applicant(s)

WANNI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the IDS of 12/17/03.
2. ☒ The allowed claim(s) is/are 1-16, 19 and 20.
3. ☒ The drawings filed on 8/19/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/17/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Malcolm D. Keen, Esq. on July 7, 2004.

The application has been amended as follows:

1. A strainer device for removing debris particles from a flow stream in a flow pipe, comprising:

- (a) a housing into which the flow stream passes from the flow pipe for filtration and from which it passes after filtration;
- (b) a screen element;
- (c) a source roller attached to a first end of the screen element; [and]
- (d) a take-up roller attached to a second end of the screen element;

and

(e) a screen lock which locks the screen in place when not being advanced, said screen lock includes a pin engageable with holes on the screen and a pin retractor to withdraw the pin upon advance of the screen;

in which said screen element extends across the interior of the housing in the path of the flow stream to define (i) a flow region upstream of the screen and a flow region downstream of the screen, (ii) an active portion of the screen element which is in the path of the flow stream and through which the flow stream may pass, and (iii) a non-active portion, and means for rotating the source roller and the take-up roller to move the screen element from the source roller to the take-up roller so as to periodically replace the active portion of the screen element with a previously non-active portion of the screen element.

Claims 17-18 were canceled.

In Claim 19, line 1; "18" was changed to -1--.

Non-elected claims 21-24 were canceled.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest a filter of the type claimed employing a screen lock which locks the screen in place when not being advanced, said screen lock includes a pin engageable with holes on the screen and a pin retractor to withdraw the pin upon advance of the screen.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Interview Summary Record

The Examiner contacted Mr. Malcolm D. Keen, Esq. on or about June 18, 2004, to suggest incorporation of the limitations of claim 18 into claim 1, and the canceling of non-elected claims 21-24, in order to put the case in condition for allowance. Mr. Keen contacted the Examiner on July 7, 2004 and authorized the amendments suggested by the Examiner. Applicant is not required to provide a record of the substance of this interview.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-20, drawn to a Strainer Device, classified in class 210, subclass 97.

- II. Claims 21-24, drawn to a Method for Removing Particulate Debris from a Fluid Flow Stream, classified in class 210, subclass 767.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, such as advancing an un-reacted (i.e. unfouled) or new/clean catalytic surface into a flow path.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and vice versa, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Malcolm D. Keen, Esq., on or about June 15, 2004, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-20. Claims 21-24 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

A handwritten signature in black ink, appearing to read "Robert J. Popovics", with a long horizontal flourish underneath.

Robert James Popovics
Primary Examiner
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July 8, 2004